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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,352	01/18/2002	Timothy W. Rawlings	9059.00	9275

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,352

Applicant(s)

RAWLINGS, TIMOTHY W.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/28/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Repeated Rejections

1. The 35 U.S.C. 103 rejection of claims 1 – 19 and 22 – 29 over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976) and Black (USPN 6,540,131) in the office action dated April 20, 2006 is repeated as the arguments presented by the Applicant in the response dated July 20, 2006 are unpersuasive.

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57); therefore, it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforation with intermittent non-perforated areas where the length of the non-perforated section is 20% of the width with area of microperforations of equal length. The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7). However, Tataryan et al. fail to disclose the printable substrate being a form with removable

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labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated have a length from 1 to 5 mm.

Popat et al. teach using fold line formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50; Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27 mm and ties between 0.11 mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

Black teaches the use of breaks, non-perforated sections having a length of 5 to 10 mm (Column 6, lines 18 – 20; Figure 3, #22) on a fold line in a stationary formed with printable material (Column 6, lines 63 – 64) for the purpose of preventing the propagation of a tear along a crease line in a printable substrate (Column 6, lines 25 – 30).

Therefore, one of ordinary skill in the art would have recognized that the changing of the lengths of perforation and non-perforated areas is well known in the art to be used in combination with printable substrates to prevent jams in the printer paper path as taught by Popat

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et al. and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Black.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in card stock material with preprinted indicia and non-perforated sections having a length of 5 to 10 mm in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Popat et al. and Black.

Response to Arguments

2. Applicant's arguments filed July 20, 2006 with regard to the rejection of claims 1 – 19 and 22 – 29 over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976) and Black (USPN 6,540,131) have been fully considered but they are not persuasive.

In response to applicant's argument that Tataryan et al., Popat et al. and Black fail to disclose the microperforations being used in a fold line, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Since the prior art teaches cuts in lengths between 0.24 mm to 0.27 mm and ties between 0.11 mm and 0.14 mm

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(Popat et al. - Column 8, lines 44 – 49), it is capable of being folded, thereby meeting the claim limitations.

In response to Applicant's argument that there is no indication that the perforations of Popat et al. can comprise microperforations, the Applicant's specification has defined microperforations to have cuts having a length of less than 0.5mm and most preferably in the range of 0.2 mm to 0.4 mm (Specification, Page 3, lines 14 – 15). Popat et al. clearly teach cuts in lengths between 0.24 mm to 0.27 mm and ties between 0.11 mm and 0.14 mm (Column 8, lines 44 – 49), which meet the definition of the microperforations in Applicant's specification.

In response to Applicant's argument that there is no indication or suggestion by Black that microperforations can be used in the fold line, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln

Nasser Ahmad 8/24/06
NASSER AHMAD
PRIMARY EXAMINER